IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Tadashi Ishibashi, et al.

ATTORNEY DOCKET NO. 09793822-0158

APP. NO. **FILING DATE:** 10/009,021

GROUP ART UNIT: 1774 EXAMINER: Camie S. Thompson

INVENTION:

March 19, 2002 "ORGANIC ELECTROLUMINESCENT ELEMENT AND LUMINESCENT DEVICE"

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT TRANSMITTAL LETTER

Mail Stop Amendment Commissioner of Patents P.O. Box 1450 Alexandria, VA 22313-1450



Sir:

	ted herewith is a Supplemental Information Disclosure Statement for consideration in the above-identified application. This mental Information Disclosure Statement is submitted:						
	Within 3 months (1) of filing date of a national application; (2) of date of entry of the national stage as set forth in 37 C.F.R. §1.491 in an international application; or (3) before the mailing date of a first Office Action on the merits, whichever occurs last. (No fee is required.)						
\boxtimes	After the mailing date of a first Office Action but before (1) mailing of a final action under 37 C.F.R. §1.113; or (2) mailing of a notice of allowance under §1.311, whichever occurs first.						
	Payment for the fee set forth in 37 C.F.R. §1.17(p) accompanies this submission; or						
	The certification specified in 37 C.F.R. §1.97(e) is made below. (No fee is required.)						
	After the mailing of (1) a final action under 37 C.F.R. §1.113; or (2) a notice of allowance under 37 C.F.R. §1.311 whichever occurs first, but before payment of the issue fee. The certification specified in 37 C.F.R. §1.97(e) is made below. The Commissioner hereby is petitioned to consider the Information Disclosure Statement accompanying this submission. Payment for the Petition fee set forth in 37 C.F.R. §1.17(i)(1) accompanies this submission.						
	The undersigned counsel for applicant(s) hereby certifies each item of information contained in the Information Disclosure Statement was first cited in any communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.						
	The undersigned counsel for applicant(s) hereby certifies that no item of information contained in the Information Disclosure Statement was first cited in any communication from a foreign Patent Office in a counterpart foreign application, or to the knowledge of the undersigned, after making reasonable inquiry, was known to any individual designated in 37 C.F.R. §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.						
\boxtimes	PTO Credit Card Form 2038 in the amount of \$180.00 to cover the required fee is enclosed.						
\boxtimes	The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Account No. 19-3140. A duplicate copy of this sheet is enclosed for this purpose.						
	bhoning re this application, Call (312) 876-8000 Wery respectfully, W. John Keyes, Ph.D. Reg. 54,218 Sonnenschein, Nath & Rosenthal LLP						

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P.O. Box 061080

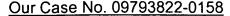
Wacker Drive Station, Sears Tower

Chicago, Illinois 60606

Telephone (312) 876-8000

CERTIFICATE OF MAILING

I hereby certify that this Supplemental Information Disclosure Statement is being deposited with the United States Postal Service in an envelope addressed to the Mail Stop Amendment, Commissioner for Patents at the United States Patent and Trademark Office, P. O. Box 1450, Alexandria, VA 22313-1450 via First Class Mail on August 4, 200



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	
Tadashi Ishibashi, et al.) Examiner: Camie S. Thompson
Application No.: 10/009,021) Group Art Unit No.: 1774
Filing Date: March 19, 2002)
For: ORGANIC ELECTROLUMINESCENT ELEMENT AND LUMINESCENT DEVICE)))

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

Each item of information contained in the supplemental disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the supplemental information disclosure statement. 37 C.F.R. Section 1.97(e)(1). A copy of the International Search Report, mailed on June 4, 2004, is enclosed.

The filing of this supplemental information disclosure statement shall not be construed as a representation that a search has been made (37 C.F.R. section 1.97(g)), an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists.

The filing of this supplemental information disclosure statement shall not be construed as an admission against interest in any manner. Notice of January 9, 1992, 1135 O.G. 13-25, at 25.

Dated: August 4, 2004

Respectfully submitted,

W John Keyes, Ph.D. Registration No. 54,218 Agent for Applicants

SONNENSCHEIN NATH & ROSENTHAL LLP P. O. Box 061080 Wacker Drive Station, Sears Tower Chicago, IL 60606-1080 (312) 876-8000 **CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first-class mail in an envelope addressed to: Mait Stop Amendment, Commissioner for Patents, P.O. Box 1430, Alexandria, VA 22313-1450 on August 4, 2004:

W. John Keyes Pb.D., Reg. No. 54,218

Docket No. Serial No. 37 CFR 1.501 09793822-0158 10/009,021 SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT Applicants: IN A PATENT Tadashi Ishibashi, et al. (use several sheets if necessary) Filing Date Group Art Unit March 19, 2002 1774 U.S. PATENT DOCUMENTS Filing Date Examiner's Class Subclass If appropriate Initials **Document Number** Date Country 2001/0033945 10/25/2001 U.S. AA 6,228,514 05/08/2001 U.S. AΒ ACAD AE AF AG FOREIGN PATENT DOCUMENTS Translation Document Number Country Class Subclass Date Yes No 11/03/1999 EP X 0954205 ΑH X 0929104 07/04/1999 EP ΑI X 06001973 01/11/1994 JР ΑJ (includes English abstract) X 1073128 01/31/2001 EP ΑK AL AM AN ΑO ΑP AQ AR AS ΑT OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.) ΑU ΑV Date Considered Examiner *EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

 			MR 0 8 500%	¥.				Sheet 1	of <u>1</u>
37 CFR 1.501 SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT IN A PATENT (use several sheets if necessary)						Docket No. 09793822-0158		Serial No. 10/009,021	
						Applicants: Tadashi Ishibashi, et al.			
						Filing Date March 19, 2002		Group Art Unit 1774	
U.S. PATEN	T DOCU	JMENTS	7						
Examiner's Initials		Document Number	Date	Cou	ntry	Class	Subclass	Filing Da If approp	
	AA	2001/0033945	10/25/2001	U.S.					
	AB	6,228,514	05/08/2001	U.S.					
	AC								
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FOREIGN P	ATENT	DOCUMENTS							
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	AH	0954205	11/03/1999	EP				Х	
	AI	0929104	07/04/1999	EP				Х	
	AJ	06001973 (includes English abstract)	01/11/1994	ЛР					х
	AK	1073128	01/31/2001	EP				Х	
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SECOND CAUSE OF ACTION Unfair Competition and False Designation of Origin 15 U.S.C. § 1125(a)(1)(A)

- 46. Defendant repeats and realleges its responses to Paragraph 1 through 45 of the Complaint as if fully set forth herein.
- 47. Denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 47, except states that the records of the United States Patent and Trademark Office speak for themselves.
- 48. Denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 48, except states that the records of the United States Patent and Trademark Office speak for themselves.
- 49. Denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 49, except states that the records of the United States Patent and Trademark Office speak for themselves.
 - 50. Denies the allegations in Paragraph 50.
 - 51. Denies the allegations in Paragraph 51.
 - 52. Denies the allegations in Paragraph 52.
 - 53. Denies the allegations in Paragraph 53.
 - 54. Denies the allegations in Paragraph 54.
 - 55. Denies the allegations in Paragraph 55.
 - 56. Denies the allegations in Paragraph 56.

THIRD CAUSE OF ACTION New York State Common Law Trademark Infringement

57. Defendant repeats and realleges its responses to Paragraph 1 through 56 of the Complaint as if fully set forth herein.

- 58. Denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 58.
- 59. Denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 59, except states that the records of the United States Patent and Trademark Office speak for themselves.
- 60. Denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 60, except states that the records of the United States Patent and Trademark Office speak for themselves.
- 61. Denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 61, except states that the records of the United States Patent and Trademark Office speak for themselves.
 - 62. Denies the allegations in Paragraph 62.
 - 63. Denies the allegations in Paragraph 63.
 - 64. Denies the allegations in Paragraph 64.
 - 65. Denies the allegations in Paragraph 65.
 - 66. Denies the allegations in Paragraph 66.
 - 67. Denies the allegations in Paragraph 67.
 - 68. Denies the allegations in Paragraph 68.

FOURTH CAUSE OF ACTION Unfair and Deceptive Business Practices NY GEN Bus. L. § 349

69. Defendant repeats and realleges its responses to Paragraph 1 through 68 of the Complaint as if fully set forth herein.

- 70. Denies knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 70.
 - 71. Denies the allegations in Paragraph 71.
 - 72. Denies the allegations in Paragraph 72.
 - 73. Denies the allegations in Paragraph 73.
 - 74. Denies the allegations in Paragraph 74.

FIRST AFFIRMATIVE DEFENSE

75. The Complaint fails to state a claim upon which relief may be granted.

SECOND AFFIRMATIVE DEFENSE

76. The claims alleged in the Complaint are barred, in whole or in part, by the doctrine of laches.

THIRD AFFIRMATIVE DEFENSE

77. The claims for equitable relief alleged in the Complaint are barred by Plaintiffs' unclean hands.

FOURTH AFFIRMATIVE DEFENSES

78. The claims alleged in the Complaint are barred by the doctrine of waiver, consent, and acquiescence.

FIFTH AFFIRMATIVE DEFENSE

79. The claims alleged in the Complaint are barred by the doctrine of equitable estoppel.

SIXTH AFFIRMATIVE DEFENSE

80. The claims in the Complaint are barred because Defendant Mansur Maqsudi has

not committed an act of infringement.

SEVENTH AFFIRMATIVE DEFENSE

81. The claims in the Complaint are barred by the First Sale Doctrine and/or the

allegedly internationally distributed Duracell Batteries are not materially different from the

domestically distributed Duracell U.S. Batteries.

PRAYER FOR RELIEF

82. Maqsudi denies that Plaintiff is entitled to any relief which it seeks.

DEMAND FOR JURY TRIAL

83. Maqsudi demands a jury trial for all claims in the Complaint susceptible to a trial

by jury.

WHEREFORE, Mansur Magsudi respectfully requests that the Court dismiss the

Complaint together with an award of attorneys' fees, costs and disbursements and such other and

further relief as the Court deems just and proper.

By: /s/ Kieran G. Doyle /s/

Kieran G. Doyle

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Attorney for Defendant My Imports USA LLC

and Defendant Mansur Magsudi

CERTIFICATE OF SERVICE

I hereby certify that on August 29, 2019, I have served the foregoing document by e-mailing it to counsel of record:

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/s/ Ariana J. Sarfarazi